

IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION

FILED

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U.S. DISTRICT COURT  
N.D. OF ALABAMA

CHRISTOPHER BILLINGSLEY,

Plaintiff,

vs.

DEWAYNE ESTES, et al.,

Defendants.

CV-01-S-1229-S

ENTERED

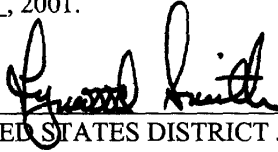
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MEMORANDUM OF OPINION

The magistrate judge filed a report and recommendation on September 13, 2001, recommending that the defendants' motion for summary judgment be granted with respect to defendants Estes, Kerns and Hicks and that the plaintiff's motion to dismiss be granted with respect to defendants Mosley and Brown and that this cause be dismissed with prejudice. The plaintiff filed objections on November 1, 2001.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation and the plaintiff's objections thereto, the Court is of the opinion that the magistrate judge's report is due to be and is hereby ADOPTED and his recommendation is ACCEPTED. The Court EXPRESSLY FINDS that there are no genuine issues of material fact and that the defendants are entitled to judgment as a matter of law. Accordingly, defendants' motion for summary judgment is due to be GRANTED and the plaintiff's motion to dismiss is due to be GRANTED and this action is due to be DISMISSED WITH PREJUDICE. A Final Judgment will be entered.

DONE this the 16<sup>th</sup> day of November, 2001.

  
UNITED STATES DISTRICT JUDGE